

**MINUTES OF REGULAR MEETING June 15, 2011****CALL TO ORDER**

Mayor Bischoff opened the meeting at 7:00 p.m.

**“Sunshine Law” Announcement:** Adequate notice of this public meeting has been provided by the Annual Notice; mailed electronically to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

**FLAG SALUTE**

**ROLL CALL** Present: Mr. Severino, Mr. Mazza, Ms. McBride, Mrs. Dziubek, Mr. Bischoff

Absent:

Others Present: J. Peter Jost, Esq., and Ella M. Ruta, Clerk

**APPROVAL OF PRIOR MEETING MINUTES**

- a. Regular and Executive Session Meeting Minutes of June 1, 2011

Mr. Severino had a correction to his committee report, p. 13 change “Kastrud to “Coster”.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X					
Mr. Mazza			X			
Mrs. Dziubek		X	X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried with the above amendment.

**VISITORS**

Frank Castellano, Race Street – Mr. Castellano wanted to know if the Township is paid from farmers who farm Township owned land. The Mayor responded yes.

**REPORTS RECEIVED**

- a. Road Dept - Weeks Ending 5/27/11; 6/03/11.  
b. Tax Collector – Tax Receipts

At about 7:08 Twp. Engineer Clerico arrived.

- c. Engineer’s Report - Submitted
- Mr. Clerico gave an overview of his report on the condition of the Municipal Building parking lot and options for improvement.
  - Driveway access for Milligan Farm, working with Michele McBride. The Engineer gave an overview of the work needed.
  - Looked at specifications for Hoffman demolition.
  - Speed limit on Strotz Road. Mr. Clerico will do density calculations and submit to DOT.

**Motion to authorize Mr. Clerico to perform density calculations and submit to DOT for Strotz Road and Henderson Road.**

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza	X		X			
Mrs. Dziubek		X	X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

## **CORRESPONDENCE/WRITTEN COMMUNICATIONS**

Mr. Bischoff mentioned the following correspondence:

- Mayor’s Advisory, re: A-3992/S-2887 Exempts Certain Wind Turbines from Local Review. We oppose this and the Attorney will write a letter to our legislators.
- Mayor’s Advisory, Funding Now Available – Sustainable Jersey. Send copy to UTEC.
- Mayor’s Advisory, SCR-107, Reduce Property Taxes for Certain Preserved Open Space. The Attorney will prepare a resolution opposing SCR-107.
- Mayor’s Advisory, Re: Governor unveils new State Energy Master Plan.
- Hunterdon Medical Center Foundation, Request to make a Brief Presentation. Committee discussed the letter and declines the request.
- Sen. Michael J. Doherty, Re: Supporting Effort to Restore Equity into the Distribution of State Aid to Schools in NJ.

The following resolution was introduced for adoption:

### **RESOLUTION #2011-92 TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY RESOLUTION SUPPORTING THE EFFORT TO RESTORE EQUITY INTO THE DISTRIBUTION OF STATE AID TO SCHOOLS IN NJ**

**WHEREAS**, the Township of Union, Hunterdon County believes that every child should have equal resources of state aid distributed by the legislature for an education in the State of New Jersey by Utilizing a fair school funding mechanism; and

**WHEREAS**, the current distribution of state aid for education to the schools has not been distributed in a fair and equitable manner to provide property tax relief to all the citizens of the State of New Jersey; and

**WHEREAS**, Article III, Paragraph 1, of the New Jersey State Constitution states, “The powers of government shall be divided among three distinct branches, the legislative, executive, and judicial. No person or persons belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this Constitution;” and

**WHEREAS**, Article VIII, Section IV Paragraph 1, of the New Jersey state Constitution states, “the Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of five and eighteen years;” and

**WHEREAS**, Article VIII, Section IV, Paragraph 2, of the New Jersey State Constitution states “the fund for the support of free public schools . . . shall be annually appropriated to the support of free public schools, and for the equal benefit of all the people of this State;” and

**WHEREAS**, Article VIII, Section I, Paragraph 7.a. of the New Jersey State Constitution states, the income tax is to be “annually appropriated . . . exclusively for the purpose of reducing or offsetting property taxes;” and

**WHEREAS**, this body can no longer bear the burden of the continued diversion of its fair share of state school aid for the students between the ages of five and eighteen years of age who reside within this jurisdiction.

**NOW, THEREFORE, BET IT RESOLVED**, that the Township of Union Hunterdon County do hereby call upon the Legislative of the State of New Jersey to fulfill its constitutionally assigned duty to distribute the state aid for education to the school districts in this state in a fair manner that is for the equal benefit of all the people of the state and not by means that are prejudiced by the actions of special interests that may have been presented before the Court or other venue.

**BE IT FURTHER RESOLVED**, that the Clerk of this entity is hereby directed to forward a copy of this resolution to Governor Chris Christie, Senate President Stephen Sweeney, Senate Minority Leader Thomas Kean Jr., Assembly Speaker Sheila Oliver and Assembly Minority Leader Alex DeCroce.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried.

- NJ DOT, re: Bridge at Van Syckles Road over Spruce Run Reservoir. Per Attorney, take letter under advisement.
- Item for Executive Session.

## PUBLIC COMMENTS

Pat Lingelbach, President of UT Historical Society – What are legal responsibilities for the Historical Society using the lower level of the Municipal Building for a museum. Move in date scheduled for July 16, 2011. The Attorney will meet with Mrs. Lingelbach to discuss details of the use of building.

**Motion: The Historical Society move their possessions and exhibits into former Courtroom located downstairs at the UT Municipal Building pending the approval of a formal agreement. The move will take place on or about July 16, 2011.**

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
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## MINUTES OF REGULAR MEETING June 15, 2011

Mr. Severino	X		X			
Mr. Mazza		X	X			
Mrs. Dziubek			X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

## PUBLIC HEARING

**ORDINANCE #2011-8  
AN ORDINANCE OF THE TOWNSHIP OF UNION  
HUNTERDON COUNTY, NEW JERSEY  
FOR THE PREVENTION OF DISORDERLY CONDUCT**

### To open Public Hearing

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried by unanimous favorable vote

### To close Public Hearing

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza		X	X			
Mrs. Dziubek	X		X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried by unanimous favorable vote

### To adopt the above Ordinance on the second and final reading

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino				X		
Mr. Mazza		X	X			
Mrs. Dziubek	X		X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

**The Committee discussed the noise portion of the Ordinance. Send certified copies of the Ordinance to the Court and County Prosecutor.**

**ORDINANCE #2011-9**

**AN ORDINANCE APPROPRIATING THE SUM OF \$35,939.00 CURRENTLY LOCATED WITHIN  
THE GENERAL TRUST FUND, OFF TRACT IMPROVEMENT ACCOUNT,  
OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY  
FOR IMPROVEMENTS KNOWN AS PERRYVILLE ROAD IMPROVEMENTS**

**To open Public Hearing**

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried by unanimous favorable vote

**To close Public Hearing**

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza		X	X			
Mrs. Dziubek	X		X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried by unanimous favorable vote

**To adopt the above Ordinance on the second and final reading**

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

**OLD BUSINESS**

**RESOLUTION #2011-** ; Approving payments for Taxes by Credit Cards. This payment option will no longer be considered by the Committee and will be removed from any future Agenda.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride		X	X			

Mr. Bischoff			X			
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Motion carried

**Discussion** -The Proposed Renewable Energy Ordinance. Mrs. Dziubek received the Ordinance from the Planning Board without a letter of explanation. The Mayor recommended that Mrs. Dziubek speak to Mr. Anderson the Planning Board Attorney. Mr. Bischoff said he would also be contacting Planner Hintz and Atty. Anderson.

**NEW ORDINANCE** – 1<sup>st</sup> Reading

**RENEWABLE ENERGY ORDINANCE  
AMENDING VARIOUS SECTIONS OF THE CODE OF UNION TOWNSHIP  
ORDINANCE 2011- 10**

WHEREAS, the Township of Union, County of Hunterdon, State of New Jersey, recognizes the growing trend of residential and commercial properties installing solar and wind structures to produce renewable energy;

WHEREAS, use of renewable energy is one way for a property to reduce its impact on the environment;

WHEREAS, in recognition of the above statements the New Jersey Legislature has recently amended the Municipal Land Use Law (N.J.S.A. 40:55D) to permit renewable energy facilities in industrial zones on site of 20 acres or larger and to recognize renewable energy facilities as inherently beneficial uses;

WHEREAS, the Municipal Land Use Law, NJSA 40:55D-4 &7, was also amended by P.L. 2009 c. 146 to define inherently beneficial uses and to include solar, wind and photovoltaic energy generating facilities in the definition;

WHEREAS, “inherently beneficial use” means a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such a use includes, but is not limited to, a hospital, school, child care center, group home, or a wind, solar or photovoltaic energy facility or structure;

WHEREAS, P.L. 2009 c. 213, signed in to law on January 16, 2009, modifies several laws regarding renewable energy and preserved farms, commercial farms, right to farm, and farmland assessment.

WHEREAS, The Right to Farm Act has been amended to permit and protect up to 10 acres or 2 megawatts (2MW) maximum production of electricity on commercial farms which are not subject to farmland preservation provided the acreage of the electrical facility does not exceed a ratio of 1 acre of energy facility to 5 acres of agricultural land or approximately 17% of the farmland;

WHEREAS, P.L. 2009 c. 213, permits a maximum of 1% of the acreage of a preserved farm or 110% of the farm’s previous years energy demand, whichever is more, to be dedicated to renewable energy generation;

WHEREAS, P.L.2010, c. 4 exempts solar panels from impervious surface or impervious cover designations; This Act amended the MLUL to add section 40:55D38.1 as follows:

C.40:55D-38.1 Solar panels not included in certain calculations relative to approval of subdivisions, site plans.

An ordinance requiring approval by the planning board of either subdivisions or site plans, or both, shall not include solar panels in any calculation of impervious surface or impervious cover.

As used in this section, "solar panel" means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

WHEREAS, grid-scale, multi-megawatt generating solar facilities are extremely consumptive of land and as such are competitors with agriculture for the use of prime agricultural soils;

WHEREAS, Photovoltaic panels and wind turbines may create glint and glare which may negatively impact surrounding residences, businesses, and rights of way.

WHEREAS, the useful life of solar panels is approximately twenty-five years; however, developers may require longer approval periods to install and make use of upgraded solar technology;

WHEREAS, renewable energy facilities create visual impacts on the landscape which may significantly change the character and aesthetic value of the surrounding area especially in historic, scenic, or mountainous locations;

WHEREAS, a continuous visual screen consisting of evergreen and deciduous trees and shrubs and or earthen berms and fencing which will provide a visual barrier from the renewable energy facility from adjacent properties and roadways is necessary to mitigate the negative visual impact of grid-scale solar facilities;

WHEREAS, site plan considerations may be so intertwined with the consideration of negative impacts arising from use variance applications for renewable energy facilities that the approving board cannot make accurate findings without simultaneous site plan review;

WHEREAS, the inherently beneficial status of renewable energy facilities does not exempt applicants from assessment of negative impacts and subsequent consideration of appropriate conditions for mitigation or from satisfying both positive and negative criteria when requesting "C" bulk variances;

WHEREAS, renewable energy generation from solar and wind will not substantially reduce our country's dependence on foreign oil. In 2009, New Jersey received 55% of its electricity from nuclear power sources, 33% from natural gas power plants, 8% from coal fired plants and 0.4% from solar facilities;

NOW THEREFORE IT BE ORDAINED, by the Mayor and Committee of the Township of Union, County of Hunterdon, State of New Jersey, that the Land Use Code of the Township of Union shall be amended as follows:

1. Section 30-2., entitled "Definitions" of Chapter XXX entitled, "Land Use" of the Land Use Code of the Township of Union, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:

b. As used in this chapter:

"Met Tower" a meteorological tower used for gathering atmospheric information, such as wind speed and direction.

"Renewable Energy Facility" shall mean a facility and all associated equipment that engages in the production of electric energy from solar technologies, photovoltaic technologies, or wind energy.

“Rotor diameter” shall mean the cross sectional dimension of the circle swept by the rotating blades of a wind-powered energy generator.

“Small wind energy system” shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which as a rated capacity consistent with applicable provisions of the State Uniform Construction Code promulgated pursuant to the “State Uniform Construction Code Act” P.L. 1975, c.217 (C.52:27D-119 et seq.) and technical bulletins issued pursuant to section 2 of P.L. 2009, c. 244 (C. 40:55D-66.13), and which will be used primarily for onsite consumption.

“Solar panels” shall mean an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

“Solar and photovoltaic facility” shall mean a facility and all associated equipment that engages in the production of electric energy from solar or photovoltaic technologies.

“Wind energy system” shall mean a wind generator and all associated equipment, including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component necessary to fully utilize the wind generator.

“Wind generator” shall mean equipment that converts energy from the wind into electricity. This term includes the rotor, blades and associated mechanism.

“Wind, solar or photovoltaic energy facility or structure” shall mean a facility or structure for the purpose of supplying electrical energy produced from wind, solar, or photovoltaic electrical energy produced from wind, solar or photovoltaic technologies, whether such a facility or structure is a principal use, a part of the principal use, or an accessory use or structure.

“Industrial” shall mean of, relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods. This does not include recycling operations or quarrying operations or reclamation.

“Residential Scale Renewable Energy Generating Facility” shall mean a renewable energy generating facility which is rated to generate no more than 110% of the historical energy use from the previous year of the meter connected to the renewable energy system and which constitutes an accessory use to a principal residential or commercial use.

“Farm Scale Renewable Energy Generating Facility” shall mean a ground mounted renewable energy generating facility which is rated to generate no more than 2 megawatts (2 MW) of electricity and which constitutes an accessory use on agriculturally assessed land and which occupies no more than ten acres of total land area.

“Farm Management Unit” shall mean a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures, and facilities, producing agricultural or horticultural products, and operating as a single enterprise.

“Preserved Farm Renewable Energy Generating Facility” shall mean a ground mounted renewable energy generating facility which constitutes an accessory use on a preserved farm and which shall be permitted at a scale not to exceed 110% of the previous years energy demand for the farm management unit or 1% of the total acreage of the farm management unit which ever is greater. In no case shall a facility be rated to generate more than 2 megawatts (2 MW) of electricity.



“Grid Scale Renewable Energy Generating Facility” shall mean a renewable energy generating facility which is rated to produce greater than 2 megawatts ( 2MW) of electricity and which constitutes a principal use on the property.

2. Section 30-4.1., entitled “Watershed Management District” of Chapter XXX entitled, “Land Use” of the Land Use Code of the Township of Union, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:

- a. *Use Regulations.* A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and other provisions as are specified in other sections herein.

1. Uses by Right. Any of the following uses shall be permitted provided the Use Regulations, Section 30-5, of this chapter have also been met:

- (o) H-12 Renewable energy facility, accessory use

3. Section 30-4.2., entitled “Conservation Management District” of Chapter XXX entitled, “Land Use” of the Land Use Code of the Township of Union, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:

- a. *Use Regulations.* A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and other provisions as are specified in other sections herein.

1. Uses by Right. Any of the following uses shall be permitted provided the Use Regulations, Section 30-5, of this chapter have also been met:

- (p) H-12 Renewable energy facility, accessory use

4. Section 30-4.3-1, entitled “AP Agricultural Preservation 1 District” of Chapter XXX entitled, “Land Use” of the Land Use Code of the Township of Union, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:

- a. *Use Regulations.* A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and other provisions as are specified in other sections herein.

1. Uses by Right. Any of the following uses shall be permitted provided the Use Regulations, Section 30-5, of this chapter have also been met:

- (q) H-12 Renewable energy facility, accessory use

5. Section 30-4.3.-2., entitled “Agricultural Preservation 2 District” of Chapter XXX entitled, “Land Use” of the Land Use Code of the Township of Union, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:
  - a. *Use Regulations.* A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and other provisions as are specified in other sections herein.
    1. Uses by Right. Any of the following uses shall be permitted provided the Use Regulations, Section 30-5, of this chapter have also been met:
      - (q) H-12 Renewable energy facility, accessory use
6. Section 30-4.4., entitled “Country Residential District” of Chapter XXX entitled, “Land Use” of the Land Use Code of the Township of Union, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:
  - a. *Use Regulations.* A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and other provisions as are specified in other sections herein.
    1. Uses by Right. Any of the following uses shall be permitted provided the Use Regulations, Section 30-5, of this chapter have also been met:
      - (q) H-12 Renewable energy facility, accessory use
7. Section 30-4.5., entitled “Village Residential District” of Chapter XXX entitled, “Land Use” of the Land Use Code of the Township of Union, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:
  - a. *Use Regulations.* A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and other provisions as are specified in other sections herein.
    1. Uses by Right. Any of the following uses shall be permitted provided the Use Regulations, Section 30-5, of this chapter have also been met:
      - (x) H-12 Renewable energy facility, accessory use

8. Section 30-4.6., entitled “Multi-family Residential District” of Chapter XXX entitled, “Land Use” of the Land Use Code of the Township of Union, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:
  - a. *Use Regulations.* A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and other provisions as are specified in other sections herein.
    1. Uses by Right. Any of the following uses shall be permitted provided the Use Regulations, Section 30-5, of this chapter have also been met:
      - (aa) H-12 Renewable energy facility, accessory use
9. Section 30-4.7., entitled “Institutional District” of Chapter XXX entitled, “Land Use” of the Land Use Code of the Township of Union, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:
  - a. *Use Regulations.* A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and other provisions as are specified in other sections herein.
    1. Uses by Right. Any of the following uses shall be permitted provided the Use Regulations, Section 30-5, of this chapter have also been met:
      - (r) H-12 Renewable energy facility, accessory use
    2. Uses by Conditional Approval. Any of the following uses shall be considered permitted, provided the conditions for conditional use approval have been met in accordance with Section 30-10, in addition to Section 30-5, Use Regulations, of this chapter:
      - (b) F-6 Renewable energy facility, conditional use
10. Section 30-4.8., entitled “Village Commercial District” of Chapter XXX entitled, “Land Use” of the Land Use Code of the Township of Union, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:
  - a. *Use Regulations.* A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and other provisions as are specified in other sections herein.

1. Uses by Right. Any of the following uses shall be permitted provided the Use Regulations, Section 30-5, of this chapter have also been met:
    - (x) H-12 Renewable energy facility, accessory use
  2. Uses by Conditional Approval. Any of the following uses shall be considered permitted, provided the conditions for conditional use approval have been met in accordance with Section 30-10, in addition to Section 30-5, Use Regulations, of this chapter:
    - (m) F-6 Renewable energy facility, conditional use
11. Section 30-4.9., entitled “Planned Commercial District” of Chapter XXX entitled, “Land Use” of the Land Use Code of the Township of Union, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:
- a. *Use Regulations.* A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and other provisions as are specified in other sections herein.
1. Uses by Right. Any of the following uses shall be permitted provided the Use Regulations, Section 30-5, of this chapter have also been met:
    - (jj) H-12 Renewable energy facility, accessory use
12. Section 30-4.10., entitled “Office Research District” of Chapter XXX entitled, “Land Use” of the Land Use Code of the Township of Union, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:
- a. *Use Regulations.* A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and other provisions as are specified in other sections herein.
1. Uses by Right. Any of the following uses shall be permitted provided the Use Regulations, Section 30-5, of this chapter have also been met:
    - (h) H-12 Renewable energy facility, accessory use
  2. Uses by Conditional Approval. Any of the following uses shall be considered permitted, provided the conditions for conditional use approval have been met in accordance with Section 30-10, in addition to Section 30-5, Use Regulations, of this chapter:
    - (c) F-6 Renewable energy facility, conditional use

13. Section 30-4.11., entitled “Professional Office District” of Chapter XXX entitled, “Land Use” of the Land Use Code of the Township of Union, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:
- a. *Use Regulations.* A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and other provisions as are specified in other sections herein.
    - 1. Uses by Right. Any of the following uses shall be permitted provided the Use Regulations, Section 30-5, of this chapter have also been met:
      - (l) H-12 Renewable energy facility, accessory use
14. Section 30-4.13., entitled “Quarry District” of Chapter XXX entitled, “Land Use” of the Land Use Code of the Township of Union, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:
- a. *Use Regulations.* A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and other provisions as are specified in other sections herein.
    - 1. Uses by Right. Any of the following uses shall be permitted provided the Use Regulations, Section 30-5, of this chapter have also been met:
      - (c) H-12 Renewable energy facility, accessory use
    - 2. Uses by Conditional Approval. Any of the following uses shall be considered permitted, provided the conditions for conditional use approval have been met in accordance with Section 30-10, in addition to Section 30-5, Use Regulations, of this chapter:
      - (a) F-6 Renewable energy facility, conditional use
15. Section 30-4.15., entitled “Utility District” of Chapter XXX entitled, “Land Use” of the Land Use Code of the Township of Union, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:
- a. *Use Regulations.* A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and other provisions as are specified in other sections herein.
    - 1. Uses by Right. Any of the following uses shall be permitted provided the Use Regulations, Section 30-5, of this chapter have also been met:

- (h) H-12 Renewable energy facility, accessory use
- 2. Uses by Conditional Approval. Any of the following uses shall be considered permitted, provided the conditions for conditional use approval have been met in accordance with Section 30-10, in addition to Section 30-5, Use Regulations, of this chapter:
  - (b) F-6 Renewable energy facility, conditional use
- 16. Section 30-4.17., entitled "Parkland District" of Chapter XXX entitled, "Land Use" of the Land Use Code of the Township of Union, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:
  - a. *Use Regulations.* A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and other provisions as are specified in other sections herein.
    - 1. Uses by Right. Any of the following uses shall be permitted provided the Use Regulations, Section 30-5, of this chapter have also been met:
      - (h) H-12 Renewable energy facility, accessory use
- 17. Section 30-5.5, entitled "Use Regulations" of Article XXV entitled, "Additional Provisions" of the Union Township Land Use Ordinance, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:
  - f. All Common Carriers, Public Utilities, and Public Service Organizations.
- (6) F-6 Renewable Energy Facility,
  - (a) Solar and Photovoltaic facilities.
    - (1) General Requirements. The following general requirements shall apply to solar and photovoltaic facilities, regardless of whether they are accessory or principal uses.
      - (i) Solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings.
      - (ii) Ground mounted solar facilities which are accessory uses shall not exceed an area of 6,000 square feet.
      - (iii) Ground mounted solar facilities which are principal uses shall not exceed 50% lot coverage.
      - (iv) The following standard shall apply when a proposal for a ground mounted solar facility exceeds a ratio of one to five (1:5) for the area which the facility is constructed and installed on to the area used for another purpose(s), or when the facility is constructed and installed on an area of 10 acres or greater, whichever is first applicable:

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- (a) The facility shall be principal use. Smaller facilities (pursuant to the above) shall be accessory uses.
- (v) All roof mounted solar facilities shall be accessory uses.
- (vi) Solar facilities shall not be counted in the calculation of maximum lot coverage or maximum impervious cover, unless the area under the facility (excluding the footings) consists of an impervious material, such as pavement. Nevertheless, the design of the systems shall comply with all Township stormwater, grading, and soil disturbance regulations.
- (vii) Ground mounted solar facilities contained within an area of 1,000 square feet (including the aggregate area of multiple systems) to 10 acres shall require minor site plan approval prior to obtaining a zoning permit; smaller systems shall not require site plan approval. Systems greater than 10 acres in size shall require preliminary and final site plan approval prior to obtaining a zoning permit.
- (viii) Solar facilities which generate more than 125% of the average energy demand for the property calculated over the past three years shall require preliminary and final site plan approval.
- (ix) Solar facilities which are accessory uses and which generate more than 125% of the average energy demand for the property calculated over the past three years shall be prohibited.
- (x) Ground mounted solar facilities greater than 1,000 square feet shall provide one or more of the following beneath the structures: meadow grasses or agricultural area for crops or grazing farm animals.
- (xi) Site disturbance including but not limited to, grading, soil removal, excavation, and soil compaction, including beneath a ground mounted system, shall be minimized to the extent practical.
- (xii) Mounting of the solar structures shall be accomplished without the use of footings, concrete, or other impervious surfaces.
- (xiii) Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and associated soil compaction.
- (xiv) Wooded sites may not be clear cut to construct renewable energy facilities.
- (xv) Applicants are encouraged to enter into solar easements with neighboring property owners in order to ensure continuing access to sunlight for solar facilities.
- (xvi) All electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (xvii) There shall be no signs that are visible from any public road posted on a solar facility or any associated building or structure, except for the manufacturer's or installer's identification, appropriate warning signs, or owner/operator identification.
- (xviii) Noise generated by any portion of the renewable energy facility including inverters shall not exceed 55 dBA during the day and 40 dBA at night at the property line and shall not be audible within schools both public and private, within houses of worship, in neighboring day care facilities or residential dwellings.

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- (xix) A permit issued pursuant to this ordinance shall expire if:
  - (a) The solar or photovoltaic facility is not installed and functioning within 24-months from the date the permit is issued; or
  - (b) The solar or photovoltaic facility is out of service or otherwise unused for a continuous 18-month period.
  - (c) A solar or photovoltaic facility that is out-of-service for a continuous 12 -month period will be deemed to have been abandoned.
  - (d) The Township may issue a Notice of Abandonment to the owner of a solar or photovoltaic facility that is deemed to have been abandoned. The notice shall be sent return receipt requested.
  - (e) The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date.
  - (f) If the owner provides information that demonstrates the solar or photovoltaic facility has not been abandoned, the Township shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn.
  - (g) If the Township determines that the solar or photovoltaic facility has been abandoned, the Owner of the solar or photovoltaic facility shall remove the photovoltaic panels, inverters, interconnection hardware, substations, racking or mounting structures, fencing, and all other structures and equipment at the Owner's sole expense within 6 months after the Owner receives the Notice of Abandonment.
  - (h) If the owner fails to remove the equipment in the time allowed under (h) above, the Township may pursue legal action to have the solar or photovoltaic facility removed at the Owner's expense.
- (xx) Where site plan approval is required, in addition to those items required for an application to be deemed complete, a site plan application shall depict the following:
  - (a) Location of proposed and existing overhead and underground utility and transmission lines.
  - (b) Location of any proposed or existing substation, inverter, transformer or equipment enclosures
  - (c) Description of any necessary upgrades or modifications to existing substations or the necessity for a new substation.
  - (d) Description of how the energy generated by the facility will be connected to the electrical distribution or transmission system or the electrical system of the intended energy user.
  - (e) For projects over 2MW, the location and elevations of all transmission lines, support structures and attachments to a substation(s).
  - (f) Location of existing hedgerows and vegetated windbreaks.
  - (g) Landscape maintenance plan which demonstrates how the ground cover and screening plantings will be maintained.



## MINUTES OF REGULAR MEETING June 15, 2011

- (h) Decommissioning plan documenting how the property will be restored once the renewable energy facility has been removed and an estimate of the cost of decommissioning.
  - (i) Major Site plan submissions shall include a glint and glare study documenting no adverse impacts on neighboring properties or rights of way.
  - (j) Major Site Plan applications shall include an acoustical analysis.
  - (k) For projects over 2MW, documentation detailing the available capacity of the existing electric infrastructure in the region and the amount of that capacity the project will absorb.
  - (l) For projects over 2MW, interconnection agreement with PJM.
- (2) Principal Use Requirements. The following requirements shall apply to solar and photovoltaic facilities where they are conditional principal uses.
- (i) The site shall not be located in an Agricultural Development Area (ADA) or the property shall be the subject of a development approval whose vested rights may or may not be valid.
  - (ii) Minimum lot size shall be 20 contiguous acres.
  - (iii) The following setbacks shall apply to ground mounted systems:
    - (a) Front Yard: 100 feet.
    - (b) Side Yard: 50 feet, or not less than 100 feet where a lot abuts a residential district.
    - (c) Rear Yard: 50 feet, or not less than 100 feet where a lot abuts a residential district.
    - (d) Substations shall be setback a minimum of 150 feet from a property line.
  - (iv) The following minimum screening requirements shall be met. However, notwithstanding the minimum requirements, the applicant shall demonstrate, to the satisfaction of the approving Board, that the proposed screening provides a year round visual screen of the facility from neighboring residential properties. Additional screening may be needed to meet this requirement or the design and location of the solar facility shall be revised to mitigate the visual impact upon the neighboring residential properties.
    - (a) Neighboring residential uses shall be defined for this purpose as those properties which abut the subject site, those properties which are located directly across the street from the subject site or, in the case of hillsides or mountainsides over looking the subject site, properties within 500 feet of the subject site.
      - (1) The proposal shall comply with the Buffer Yards Requirements in Section 30-7.4. Regardless of adjoining land uses, the proposal shall comply with Section 30-7.4.b.1.
    - (b) Substations and other associated transmission structures shall be screened with a double row of evergreen plantings with a minimum height of eight feet.
    - (c) Existing hedgerows or vegetated windbreaks that provide screening of the subject site from neighboring properties shall be retained and augmented unless waived by the approving Board.

- (v) Fencing shall be required at a height of six (6) feet on non-residential properties where deemed by the approving Board to be necessary for health, safety or welfare.
  - (vi) Ground mounted systems shall not be located in wetlands, floodplains, riparian areas, historic districts, or viewshed corridors and shall be subject to all New Jersey Department of Environmental Protection regulations and permitting.
  - (vii) Ground mounted systems shall not be located on properties with greater than 25% prime agricultural soils.
  - (viii) Sites shall not be clear cut to construct solar facilities.
  - (ix) In order to support the goal of providing for large contiguous tracts of farmland within the Township grid-scale renewable energy facilities shall not be located on lots which are adjacent to preserved farmland.
- (3) Accessory Use Requirements. The following requirements shall apply to solar and photovoltaic facility accessory uses whether they are residential scale renewable energy facilities or accessory to commercial uses.
- (i) Solar and photovoltaic panels shall be permitted to be mounted to principal and accessory structures and buildings or ground mounted.
  - (ii) A zoning permit must be issued for all systems.
  - (iii) Roof mounted systems shall be mounted generally parallel to the roof angle and shall not exceed a height of 12 inches above the roofline and shall not extend above the ridge of the roof. Notwithstanding, systems shall not exceed the maximum building height in the zone district.
  - (iv) Ground systems shall meet the side and rear yard setback standards for accessory structures in the zone which the structure is located.
  - (v) Ground systems shall not be located between a building line and a public street (i.e. ground systems shall not be located in a front yard).
  - (vi) Ground mounted systems contained within an area of 1,000 square feet or greater shall be screened from public rights-of-way and residential uses. A solid screen of plantings shall be provided along rights-of-way and plantings or a solid fence shall be provided along property lines shared with a residential zone district. The minimum height of the screening shall be five feet. Existing vegetation shall be retained to the extent practical.
  - (vii) Roof mounted systems shall not be located facing the street.
- (4) Farm Scale Renewable Energy Generating Facilities, Solar. These conditions relate to farm scale solar applications whether they are non-preserved farms or preserved farms.
- (i) Ground-mounted systems which are rated to generate 10 kilowatts ( 10 kW) of electricity or greater shall require minor site plan approval prior to obtaining a zoning permit. Systems covering greater than 10 acres are prohibited.

- (ii) On non-preserved, agriculturally-assessed farms, ground-mounted facilities shall be permitted on a farm management unit at a ratio of 1 acre devoted to the solar facility to 5 acres devoted to agriculture (approximately 17%) or a maximum of ten acres taken out of agricultural production whichever first applies. This area shall be calculated including required roadways and buffers. In no case shall a facility be rated to generate more than 2 megawatts (2MW) of electricity.
  - (iii) A preserved farm renewable energy generating facility shall be permitted at a scale of energy production not to exceed 110% of the previous year's energy demand for the farm management unit or may cover a maximum of 1% of the total acreage of the farm management unit which ever is greater. In no case shall a facility be rated to generate more than 2 megawatts (2 MW) of electricity.
  - (iv) Ground-mounted farm scale facilities which are to be located as accessory uses on an agriculturally-assessed farms or preserved farms shall be placed as far from public rights of way and viewsheds in the most visually remote areas as possible.
  - (v) All farm scale solar energy generating facilities shall comply with the State Agricultural Development Committee ( SADC) agricultural management practice for solar energy generation. The SADC has established an agricultural management practice (AMP), or standards, which commercial farms must meet to be eligible for right-to-farm protection for the on-farm generation of solar energy. This rule was required to implement legislation that extends the protections of the Right to Farm Act to the generation of solar energy on commercial and preserved farms within certain limits. The rule can be found on the SADC website at <http://www.state.nj.us/agriculture/sadc/ruleprop/>.
  - (vi) In no case shall such facilities be located closer than 300 feet to any residential improvement on an adjacent lot.
  - (vii) The energy generating facility location shall avoid prime agricultural soils.
- (b) Wind Energy Facilities
- (1) General Requirements. The following general requirements shall apply to wind facilities, regardless of whether they are accessory or conditional uses.
    - (i) Small wind energy systems shall be considered accessory uses. Wind energy facilities that do not meet the definition of a small wind energy system shall be considered principal uses.
    - (ii) Wind Energy Facilities that do not meet the definition of small wind energy systems shall require preliminary and final site plan approval.
    - (iii) System height shall be defined as the height above grade of the tower plus the wind generator.
    - (iv) Tower height shall be defined as the height above grade of the fixed portion of the tower, excluding the wind generator.
    - (v) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

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- (vi) The tower shall be designed and installed so as not to provide step bolts, a ladder, or other publicly accessible means of climbing the tower, for a minimum height of eight feet above the ground.
- (vii) Small wind energy systems that connect to the electric utility shall comply with the New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C. 14:4-9
- (viii) A Met tower shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a small wind energy system.
- (ix) All electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (x) There shall be no signs that are visible from any public road posted on a wind energy system or any associated building or structure, except for the manufacturer's or installer's identification, appropriate warning signs, or owner identification.
- (xi) Noise generated by any portion of the renewable energy facility shall not exceed 55 dB at the property line during the day and 40 dBA at night and shall not be audible within schools both public and private, within houses of worship in neighboring day care facilities or residential dwellings.
- (xii) Permit Requirements.
  - (a) A zoning permit shall be required for the installation of a small wind energy system.
  - (b) The zoning permit application shall be accompanied by a plot plan which includes the following:
    - (1) Property lines and physical dimensions of the property;
    - (2) Location, dimensions, and types of existing major structures on the property;
    - (3) Location of the proposed small wind energy system tower;
    - (4) The right-of-way of any public road that is contiguous with the property;
    - (5) Location of existing and proposed overhead utility lines; and
    - (6) System specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
- (xiii) A permit issued pursuant to this ordinance shall expire if:
  - (a) The wind energy system is not installed and operating within 24-months from the date the permit is issued; or
  - (b) The wind energy system is out of service or otherwise unused for a continuous 12-month period.
- (xiv) Where site plan approval is required, in addition to those items required for an application to be deemed complete, a site plan application shall depict the following:
  - (a) Location of proposed and existing overhead or underground utility or transmission lines;
  - (b) Location of any proposed substation or transformer; and

## MINUTES OF REGULAR MEETING June 15, 2011

- (c) Description of any necessary upgrades or modifications to existing substations or the necessity for a new substation.
- (d) Description of how the energy generated by the facility will be connected to the electrical distribution or transmission system or the electrical system of the intended energy user.
- (e) For projects over 2MW, the location and elevations of all transmission lines, support structures and attachments to a substation(s).
- (f) System specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
- (g) A glint, glare, and shadow flicker analysis documenting no adverse impacts on neighboring properties or rights of way.
- (h) An ice throw study shall demonstrate no adverse impact to neighboring properties.
- (i) An acoustical analysis.
- (j) An analysis of the potential for ice buildup and throwing of ice from rotor blades.
- (k) Decommissioning plan documenting how the property will be restored once the renewable energy facility has been removed and an estimate for removal..
- (xv) Abandonment.
  - (a) A wind energy system that is out-of-service for a continuous 18 -month period will be deemed to have been abandoned.
  - (b) The Township may issue a Notice of Abandonment to the owner of a wind energy system that is deemed to have been abandoned. The notice shall be sent return receipt requested.
  - (c) The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date.
  - (d) If the owner provides information that demonstrates the wind energy system has not been abandoned, the Township shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn.
  - (e) If the Township determines that the wind energy system has been abandoned, the Owner of the wind energy system shall remove the tower and wind generator from the tower at the Owner's sole expense within 6 months after the Owner receives the Notice of Abandonment.
  - (f) If the owner fails to remove the equipment in the time allowed under (e) above, the Township may pursue legal action to have the wind generator removed at the Owner's expense.
- (2) Principal Use Requirements. The following requirements shall apply to wind facilities where they are conditional principal uses. These requirements shall be bulk requirements for permitted uses and conditions for conditional uses.
  - (i) The site shall not be located in an Agricultural Development Area (ADA) or the property shall be the subject of a development approval whose vested rights may or may not be valid.
  - (ii) The minimum lot size shall be 20 contiguous acres.

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- (iii) Substations shall be screened with a double row of evergreen plantings with a minimum height of eight feet. Existing vegetation shall be retained to the extent practical.
  - (iv) A wind tower shall be set back a minimum distance of 150% of the total height of the wind system.
  - (v) Substations shall be setback a minimum of 150 feet from a property line.
  - (vi) No portion of the wind generator shall extend into any public road right of way, unless written permission is granted by the government entity with jurisdiction over the right of way or any overhead utility lines, unless written permission is granted by the utility that owns and/or controls the lines.
  - (vii) A wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
  - (viii) The wind generator and the tower shall be a neutral color that is appropriate for its location and will allow the tower to be as unobtrusive as possible, unless otherwise required by the FAA
- (3) Accessory Use Requirements. The following requirements shall apply to wind facilities where they are accessory uses.
- (i) No wind tower on a residential property shall be located between a building line and a public street.
  - (ii) A wind tower for shall be set back a distance equal the total height of the wind system.
  - (iii) No portion of the wind generator shall extend into any public road right of way, unless written permission is granted by the government entity with jurisdiction over the right of way or any overhead utility lines, unless written permission is granted by the utility that owns and/or controls the lines.
  - (iv) A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
  - (v) The wind generator and the tower shall be a neutral color that is appropriate for its location and will allow the tower to be as unobtrusive as possible, unless otherwise required by the FAA.
  - (vi) Wind facilities which generate more than 125% of the average energy demand for the property calculated over the past three years shall require preliminary and final site plan approval.
  - (vii) Wind facilities which are accessory uses and which generate more than 125% of the average energy demand for the property calculated over the past three years shall be prohibited.

TABLE OF USE REGULATIONS (see attached)

18. Inconsistency. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

## MINUTES OF REGULAR MEETING June 15, 2011

19. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, section, paragraph, sentence or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.
20. Effective Date. This ordinance shall take effect immediately upon final passage and publication thereof according to law.

First Reading: June 15, 2011

Publication/Full: June 23, 2011

Second Reading: July 6, 2011

Publication/Title: July 14, 2011

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride		X	X			
Mr. Bischoff			X			

**Motion carried, subject to Planning Board Attorney approval and consistency with the Union Township Master Plan.**

## NEW BUSINESS

- a. The following resolution was introduced for adoption:

**RESOLUTION #2011-93**  
**UNION TOWNSHIP, HUNTERDON COUNTY**  
**2011-2012 PLENARY RETAIL CONSUMPTION LICENSE – RENEWAL**

BE IT RESOLVED, by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that the following Plenary Retail Consumption License be issued in the Township of Union to be effective on July 1, 2011; and

BE IT FURTHER RESOLVED that the Municipal Clerk or his/her duly authorized agent is hereby authorized to execute, issue and delivery such license to the following licensee:

Name & Trade Name: Apalo Inc  
t/a Perryville Inn

Location & Mailing Address: 167 Perryville Road  
Hampton, New Jersey 08827

License #: 1025-33-006-006

BE IT FURTHER RESOLVED, that a copy of this resolution, certified to be a true copy by the Municipal Clerk, be forwarded to the Division of Alcoholic Beverage Control.

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Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza			X			
Mrs. Dziubek		X	X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

b. The following resolution was introduced for adoption:

**RESOLUTION #2011- 94**  
**UNION TOWNSHIP, HUNTERDON COUNTY**  
**2011 WEBSITE MANAGEMENT AND MAINTENANCE SERVICE CONTRACT**

**WHEREAS**, there exists a need for management and maintenance of an official Township of Union website; and

**WHEREAS**, the Township has provided funds for such services and said funds have been certified as being available by the Certified Finance Officer; and

**WHEREAS**, the Fitting & Zidd Internet Marketing Agency is a professional company offering website management services and has expressed a willingness to offer said services in the amount of \$2,400.00 per year, paid quarterly;

**THEREFORE**, be it resolved by the Township Committee of the Township of Union to enter into Contract with The Fitting & Zidd Internet Marketing Agency for the period of JULY 1, 2011 to DECEMBER 31, 2011.

Date: June 15, 2011

**CERTIFICATION AS TO AVAILABILITY OF FUNDS**  
**UNION TOWNSHIP, HUNTERDON COUNTY**

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, as Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds to award a contract to The Fitting & Zidd Internet Marketing Agency as appropriated in the 2011 Adopted Budget.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Grace M. Brennan, CFO

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried.



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- c. The following resolution was introduced for adoption:

**RESOLUTION NO.2011-95**

**WHEREAS**, the Township of Union advertised, and subsequently received bids, for the Perryville Road, Section 2B Improvement Project on May 17, 2011, as shown on the attached bid summary and;

**WHEREAS**, two (2) bids were received for the Contract items as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Mannon Excavating and Paving, Flemington, New Jersey	\$130,414.25
Top Line Construction, Somerville, New Jersey	\$159,344.45

**WHEREAS**, the Township Engineer has reviewed the bids submitted and determined that Mannon Excavating and Paving of Flemington, NJ has submitted the lowest responsive bid for contract work in the amount of \$130,414.25, and;

**WHEREAS**, the Township of Union has received commitment of funding from NJDOT and has appropriated additional Township Funding for the project.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Union that the bid for the Perryville Road, Section 2B Improvement Project be awarded to Mannon Excavating and Paving, Flemington, New Jersey for their bid in the amount of \$130,414.25 subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in the Plans and Specifications prepared by Robert J. Clerico, P.E., Township Engineer.
2. The award of Contract is subject to review and approval by the New Jersey Department of Transportation, Bureau of Local Aid Projects.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza		X	X			
Mrs. Dziubek	X		X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

- d. The following resolution was introduced for adoption:

**RESOLUTION #2011-96**  
**Urging the Swift Passage of S-2762/A-4084**

**WHEREAS**, Senator Buono and Assemblyman Coutinho have introduced S-2762 and A-4084, respectively, which permits a municipality to pay commercial and industrial property tax refunds for tax year 2010 and 2011 over subsequent three local budget years; and

**WHEREAS**, municipalities do rely and encourage business development in their community for economic growth; and

**WHEREAS**, unlike a residential tax appeals, commercial and industrial property owners must submit an income statement when filing their appeal as net income generated by property has a direct bearing on the ability to market the property and therefore it is value; and

**WHEREAS**, successful tax appeals shifts the burden of the appeal to the rest of the taxpayers within the community; and

**WHEREAS**, S-2762 and A-4084 will provide municipalities with a temporary tool to assist in planning and controlling their financial budgets during this influx of appeals; and

**WHEREAS**, the Union Township Committee supports the need for the legislation to address property tax refunds for commercial and industrial properties and firmly believes that by allowing phased refunds on successful commercial and industrial property appeals, these bills will provide substantial relief for many residential taxpayers; and

**WHEREAS**, the League of Municipalities recently conducted a survey that measured the extent to which property owners filed and won tax appeals in 2010, in which 150 municipalities, representing a cross section of the state, participated; and

**WHEREAS**, those participating in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010; and

**WHEREAS**, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

**WHEREAS**, while a municipality will often experience an increase in tax appeals because they have conducted a revaluation, only 5 of the 150 municipalities, which participated in the League's survey, indicated that their 2010 appeals resulted from revaluations compared to the 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

**WHEREAS**, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of property owners, all around our Garden State; and

**WHEREAS**, although the survey was a snapshot picture in time, it can be used to project what might follow in 2011 and beyond, since the reductions, which were granted by the County Tax Boards will have a multiplier effect; and

**WHEREAS**, while New Jersey and this nation struggle to recover from one of the worst economic crisis since the Great Depression, municipalities must be given the tools to prevent increasing property taxes on already strained tax payers; and

**WHEREAS**, successful tax appeals impact fund balances and place additional pressures on the local budget;

## MINUTES OF REGULAR MEETING June 15, 2011

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey that this governing body urges for the swift passage of S-2762 and A-4084 to provide municipalities with an additional tool to prevent increasing property taxes on already strained taxpayers; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to State President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, Michael Doherty, to our two Representatives in the General Assembly, Erik Peterson and John DiMaio, and to the New Jersey League of Municipalities.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried.

At about 8:23 p.m. Engineer Clerico left the meeting

**Motion:** Approval of North Hunterdon Rotary Club 2011 Skylands Triathlon – September 11, 2011

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried.

## REPORTS

**Attorney's Report** – Mr. Jost reported the following:

- Spoke with a representative from Williams Transco. The Attorney to extend an invitation for the July 6<sup>th</sup> meeting. Ms. McBride will attend Williams Transco field meeting next week.
- Kona Ice Food License Appl. to be discussed in Executive Session
- Ordinance for Parking Enforcement Officer considered at the next meeting.

## Mayor's Report

- Quote “When injustice becomes law, resistance becomes duty.” Thomas Jefferson
- Letter from DOT. The Mayor read response to letters concerning the Route 625 intersection.

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- Received call from Governor’s office. re: appointment of new head of Highlands Council James Rilee Mayor of Roxbury.
- Ordinance from Prosecutor re: underage consumption of alcohol on private property. Do we want to act on this. The Committee agreed to take no action.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mrs. Dziubek			X			
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried by unanimous favorable vote

- Sue Dziamara from Hunterdon County Planning Board will keep us posted, re: cross acceptance.
- NJLM conference in November – information distributed.
- Mileage reimbursement rate will remain at 42 cents.
- Court Report – numbers are down. State Police are writing fewer tickets.

### **Committee Report**

Ms. McBride reported the following:

- Update on Energy Audit. Requested CFO to make second payment.
- Block Grant closed on May 31<sup>st</sup>, we missed opportunity this time but are ready for the next time.
- Energy efficient lighting installation will be done on Friday.
- Mr. Severino thanked Ms. McBride for moving forward with the Energy Audit.
- Ms. McBride requested that the following statement be recorded in the minutes.

“As everyone on this Committee knows, Union Township, along with Hunterdon County, did a wonderful thing by purchasing the 330 acre Hoffman Farm in 1999. It was the largest contiguous open parcel available within the Township, and it is now preserved for the enjoyment of all who live here. With the purchase of the park came a total of 7 buildings located in approximately the park’s center.

The purchase contract stated that the buildings and land beneath them could not be sold, and that the maintenance of the structures was the sole responsibility of Union Township. However, at the time of purchase, no endowment was secured from the Hoffman family for the maintenance of the Hoffman Farm buildings, no budget was secured by the township for ongoing maintenance, and no coherent long term plan was developed for their use.

For approximately the next 8 years, Mrs. Hoffman continued to live in the main house, and several of the outbuildings were leased to private parties. During this time, the township performed minimal maintenance – what I would term “bandaid repairs” – on the Hoffman buildings. In 2007, Mrs. Hoffman passed on and the main

Hoffman House was vacated. One of the tenants of an apartment within a Hoffman building sued the township when he fell through a railing on a roof, and that lawsuit was settled after several years by the township's attorney. It became evident that leasing the Hoffman buildings to private tenants could be quite costly for Union Township taxpayers. The remaining Hoffman buildings were vacated as tenants moved on, the Township worked to secure the buildings from trespassers, and the slow process of demolition by neglect continued.

In 2010, after a two year effort, Union Township's Stewardship Group developed and published an RFP in an attempt to attract a nonprofit long term tenant who would take responsibility for the restoration of the Hoffman House. Although a total of four parties considered the project, none chose to formally respond to the RFP. Obviously, this is a bad economic climate for nonprofits, and the restoration of the buildings to code would take hundreds of thousands of dollars.

Being a member of a municipal governing body requires us to sometimes make tough choices. The Committee is aware that the Hoffman buildings have been broken into, windows broken and boards pried off to gain access. We cannot as a Township afford long term 24/7 security to guard buildings which serve no purpose and for which we have no long term plan. Additional maintenance on these buildings throws good money after bad. It is in the best interest of our township to avoid future liability risks and maintenance costs and demo these buildings. Hoffman Park will be a better park, and certainly a safer park, after they are gone.

With that being said, I'd like to discuss an RFP for the salvage and demolition of the Hoffman Park structures."

- Ms. McBride distributed RFP draft for demolition to the Committee and Attorney for their review and comments. The Engineer has reviewed the RFP. Ms. McBride gave an overview of the contents of the RFP and **asked for a motion to approve RFP for the demolition of the Hoffman House and outbuildings.**

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

- Met with UTEC re: ANJEC Grant. Gave the Committee copies for their review of the letter that will be included with the tax mailing.
- Met with Fishing Game & Wildlife, NJDEP and Water Authority to visit Shueing property and Arnold property.
- Preserved land farm sign moving along. Dr. Furlong approves the sign and will place stakes where the sign will be located.
- Sent letter about Charlestown Road and problems with U-Turns and the County filled in the gouged areas. I have not spoken to the County about whether or not put signage up.
- The Attorney sent something on Baptist Church Road to everybody about another 18- wheeler stuck in the underpass. Discussion of potential remedies including signs.

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**The following motion regarding the above mentioned incident was introduced: UT Road Dept. post height and weight limitation notices at the intersection of Baptist Church Road and Route 579.**

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mrs. Dziubek			X			
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

- Handout of Press release on Mayor's portraits to Committee members for review, comments to Ms. McBride by next week.
- Issue for Executive Session – potential litigation

Mrs. Dziubek reported the following:

- Asked for **motion to change the name of the Road Dept. to the Dept. of Roads and Facilities in the Township Personnel Manual.**

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza	X		X			
Mrs. Dziubek			X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

- Updated Committee on Website status
- Executive Session issue – personnel
- Accident/Incident Report. Discussion of what needs to be completed.

Mr. Mazza reported the following: None

Mr. Severino reported the following:

- Satisfactory inspection report from the County Board of Health for Finn Road Park Pavilion.
- Spoke with Amy Barkman, re: tonnage report. Guessimate of 80 tons will be credited to Union Township. Spoke with Alan Johnson at the County. They are working to give credit to the towns for recyclables taken to the Annandale Transfer station.
- Exxon Station – updated about the fence preventing truck parking.

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- School is having a big garage sale on June 18<sup>th</sup> and asked if the township would take any leftover scrap. The Township agreed to accept it. Discussed how to handle.

**Clerk's Report**

- Raffle License #2011-13 St. Catherine of Sienna Church; Calendar; Oct, Nov, Dec, 2011.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mrs. Dziubek					X	
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

**PUBLIC COMMENTS - None****PAYMENT OF THE BILLS**

The approved list of bills and all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X		X	
Mr. Mazza		X	X			
Mrs. Dziubek	X		X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

The Mayor mentioned the following:

- Background checks. Lisa Lee Naughton sent Chapter 432 of the State Statutes concerning criminal background checks. Discussion

**Motion to enter into a contract with Instant Verification, Inc. to do background checks for volunteers and employees for \$38.00 per person and the cost paid by the Township.**

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino				X		
Mr. Mazza	X		X			
Mrs. Dziubek		X	X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

**EXECUTIVE SESSION**

The following resolution was introduced for adoption:

**RESOLUTION 2011-97**

**Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12**

**WHEREAS**, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

**WHEREAS**, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. \_\_\_\_\_ *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege*: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
2. \_\_\_\_\_ *Matters Relating to the Employment Relationship*: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union, assembled in Executive session on June 15, 2011, at 9:35 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza	X		X			
Mrs. Dziubek			X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

9:56 p.m. Motion for the Committee to come out of Executive Session

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
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Mr. Severino	X		X			
Mr. Mazza			X			
Mrs. Dziubek		X	X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

**Mrs. Dziubek asked for a motion to grant the request of Tax Collector, Alice Anne Pareti to come in on scheduled Fridays at 1:00 p.m. and work until she has processed tax receipts. The Township reserves the right to change the arrangement if necessary.**

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

**ADJOURNMENT** - There being no further business to come before the Township Committee at this time, Mr. Severino made a motion to adjourn. Mrs. Dziubek seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 9:57 p.m.

Respectfully submitted,

\_\_\_\_\_  
Ella M. Ruta, RMC  
Township Clerk

\_\_\_\_\_  
William F. Bischoff, Mayor

Prepared by: Pat Essig, Administrative Assistant